

29514

ABRA
11/27/01
Fpm

Voluntary Agreement Concerning Renewal of License for Sale of Alcoholic Beverages

This Agreement, made and entered into this 19th day of November, 2001 by and between Patrice G. Adams/Timehri International, trading as Timehri International (hereinafter the "Applicant"), and the Advisory Neighborhood Commission 1C and the Kalorama Citizens Association (hereinafter the "Protestant") witnesses:

Whereas Applicant has filed an application, #29514, with the District of Columbia Alcoholic Beverage Control Board (hereinafter the "Board") for the renewal of a class CT License for the premises known as Timehri International located at 2439 18th St. N.W., Washington, D.C. 20009,

Whereas in recognition of the Board's policy of encouraging parties to a protested proceeding to settle their differences by reaching voluntary agreements, the Parties hereto desire to enter into a voluntary agreement whereby (1) Applicant will agree to adopt certain measures to address the Protestant's concerns and to include this agreement as a formal condition of its application, and (2) Protestant's will agree to the issuance of the renewal of the license and withdrawal of the protest, *provided* that such agreement is incorporated into the Board's order renewing the license, which order is thereby conditioned upon compliance with such agreement,

Whereas Applicant has recently taken or intends to take certain measures designed to ameliorate Protestant's concerns,

Now therefore, in consideration of the mutual covenants and undertakings memorialized herein, the Parties hereby agree as follows:

1. **Hours:** The hours of operation will be:

Sunday through Thursday: 8pm - 2:00am
Friday and Saturday: 8pm - 3:00am

2. **Seating:** The seating capacity will be:

Interior Bar & Tables: 48

3. **Noise/Music/Dancing:** Applicant acknowledges familiarity with and will comply with noise-control provisions of the District of Columbia law and regulations, including preventing emissions of sound, capable of being heard outside the premises, by any musical instrument or amplification device or other device or source of sound or noise, in accordance with DCMR 905. The doors and windows of the premises will be kept closed at all times during business hours when music is being played or a sound amplification device is being employed in

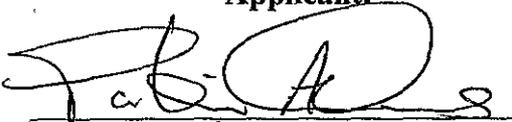
the premises, except when persons are in the act of using the door for ingress to or egress from the premises.

4. **Trash/Garbage/Rodents:** Applicant shall maintain regular trash/garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean. Applicant shall deposit trash and garbage only in rodent proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed. Applicant will make every reasonable effort to eliminate food sources for rodents and help eliminate the rat population.
5. **Exterior including public space:** Applicant shall assist in the maintenance of the alleyway and the space in front of the establishment to at least 18 inches outward from the curb as needed to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulations in these respects. Applicant shall make every *reasonable* effort to prevent or disperse loitering or any other source of noise or disturbance in the areas in front or to the rear of the premises during business hours and at closing, and encourage patrons to leave those areas at closing.
6. **Grease/Fatty oils:** Applicant will provide for the proper removal of grease and fatty oils from the establishment and will not deposit grease or fatty oils in the dumpster.
7. **Consideration:** Applicant will encourage employees and patrons to be considerate of neighboring residents at all times. Applicant will encourage employees leaving the establishment to keep conversation and noise down from closing time until 7:00 am.
8. **Items specific to the establishment:** (a) Applicant has the right to use outdoor space and stairwell that is private property. However, no *alcoholic* beverages will be consumed in this area. All alcoholic beverages will be purchased and consumed within the building. (b) No loudspeakers of any kind will be permitted mounted outside or temporarily placed outside in such a way as to project sound into the public space. (c) Applicant agrees to prevent the sale of alcohol to all persons under the age of 21 by checking ID cards.
9. **Modification:** This agreement can be modified only by the ABC Board or the mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC 1C, if the Applicant desires to modify the terms of this agreement, prior to implementing the changes, Applicant shall receive written agreement from ANC 1C after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.
10. **Regulations:** In addition to the foregoing, Applicant will operate in compliance with all applicable laws and regulations.

11. **Bar/Pub Crawls:** Applicant agrees not to promote or participate in bar or pub crawls, or tours.

12. **Withdrawal of protests:** Protestants agree to the issuance of the renewal of the license and withdrawal of their protests, *provided* that this present Voluntary Agreement is incorporated into the Board's order of renewing the license, which order is thereby conditioned upon compliance with such Voluntary Agreement.

Applicant:



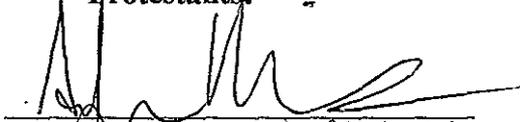
Signature

Date

11/13/01

Timehri International/Patrice G. Adams

Protestants:



Signature ANDREW MISCUR

Date

11-19-01

Advisory Neighborhood Commission 1C - CHAIRPERSON



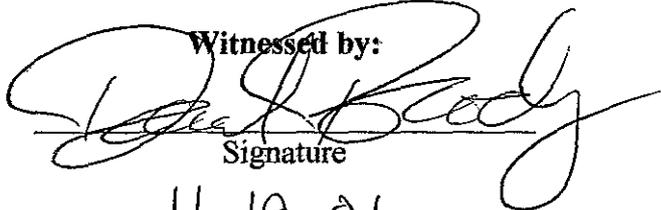
Signature DENIS I.E. JAMES

Date

11.14.2001

ABC LICENSING CHAIR FOR Kalorama Citizens Association

Witnessed by:



Signature

Date

11-19-01

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

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In the Matter of:)	
)	
Timehri International, Inc.)	
t/a Timehri International)	
)	
Application for a Retailer's Class)	Case no. <u>29514-01/079P</u>
CT License (renewal))	
at premises)	
2439 18 th Street, N.W.)	
Washington, D.C.)	
<hr/>)	

Daniel R. Brody, ABC Committee Chair, Advisory Neighborhood Commission 1C, and
Denis I.E. James, ABC Licensing Chairman, Kalorama Citizens Association, Protestants

Patrice G. Adams, President, on behalf of the Applicant

BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Charles Burger, Member
Laurie Collins, Member
Judy Moy, Member
Ellen Opper-Weiner, Esquire, Member
Audrey E. Thompson, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWN PROTEST

The application, having been protested, came before the Board on July 18, 2001, in accordance with D.C. Official Code Section 25-601 (2000 Edition). Daniel R. Brody, ABC Committee Chair, on behalf of the Advisory Neighborhood Commission 1C and Denis I.E. James, ABC Licensing Chairman, on behalf of the Kalorama Citizens Association, filed opposition in a timely manner.

The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing and has been properly executed and filed with the Board. Pursuant to the agreement, dated November 19, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Accordingly, it is this 19th day of December 2001, **ORDERED** that:

Timehri, International
t/a Timehri International
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1. The opposition of Daniel R. Brody, ABC Committee Chair, on behalf of the Advisory Neighborhood Commission 1C and Denis I.E. James, ABC Licensing Chairman, on behalf of the Kalorama Citizens Association, be, and the same hereby, is **WITHDRAWN**;

2. The application of Timehri International, Inc. t/a Timehri International, for a retailer's class CT license (renewal) located at 2439 18th Street, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**;

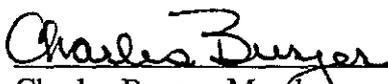
3. The above-referenced agreement between the parties; be, and the same hereby is, **INCORPORATED** as part of this Order; and

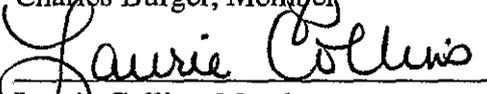
4. Copies of this Order shall be sent to the Protestants and the Applicant.

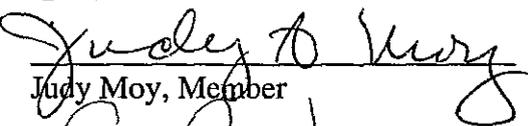
District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair

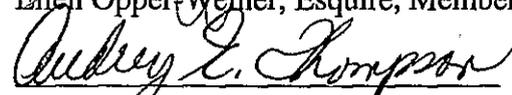

Vera Abbott, Member


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